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STAAS & HALSEY LLP			SHERMAN, STEPHEN G	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/748,686	FITZMAURICE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	STEPHEN G. SHERMAN	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21,23 and 25-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 26 and 32 is/are allowed.  
 6) Claim(s) 1-21,23,25,27-31 and 33 is/are rejected.  
 7) Claim(s) 34 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This office action is in response to the amendment filed 26 May 2010. Claims 1-21, 23 and 25-34 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to the prior art rejections of claims 1-21, 23, 25, 27-31 and 33 have been considered but are moot in view of the new ground(s) of rejection.

3. The amendments to the claims and the specification have overcome the previous objection to the drawings and the rejection under 35 U.S.C. § 112, 1st paragraph.

### ***Claim Objections***

4. Claim 11 is objected to because of the following informalities:

Claim 11 recites “the controls of the interface are arranged as one of ....a rotatable circle intersecting both sides of the corner” however, claim 1 has been amended to recite that the controls are visible and accessible at all times and thus the controls would be able to be arranged as a rotatable circle because this would allow for some of the controls to not be visible and accessible at all times.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 27 recites “computer readable storage.” The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01.

The USPTO recognizes that applicants may have claims directed to computer readable media that cover signals *per se*, which the USPTO must reject under 35 U.S.C. § 101 as covering both non-statutory subject matter and statutory subject matter. In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101 in this situation, the USPTO suggests the following approach. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by **adding the limitation "non-transitory"** to the claim. Cf. *Animals - Patentability*, 1 077 Off. Gaz. Pat. Office 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. § 101). Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals *per se*. The limited situations in which such an amendment could raise issues of new matter occur, for example, when the specification does not support a non-transitory embodiment because a signal *per se* is the only viable embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. See, e.g., *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-9, 11-14, 20, 21, 23, 27-29, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US 5,559,944) in view of Fukuzaki (US 5,731,801) and further in view of Durrani et al. (US 6,011,542).

***Regarding claim 1***, Ono discloses an interface, comprising:

a graphical user interface area located in a display corner responsive to a natural motion by the user associated with an end of a range of the natural motion (Figure 4-7

show that the graphical user interface area is located in a display corner and is responsive to a natural user motion.) and, comprising:

a persistent graphic starting *near* a first display edge and ending *near* a second display edge and defining the interface area where the graphic is *substantially* perpendicular to a natural motion path of the natural motion (Figure 4 shows that the persistent graphic containing “file”, “edit”, “font”, etc. starts near a first display edge, i.e. the top, and ends near a second display edge, i.e. the bottom, and is substantially perpendicular to a natural motion path as shown in Figures 6 and 7.); and

controls initiating an action (Figure 4, “file”, “edit”, “font”, etc. are shown to initiate actions, where the example of selecting “edit” is shown to create a pop-up menu containing “cut”, “copy”, “paste”, etc.), located in the interface area (Figure 4), all the controls arranged along the persistent graphic visible and accessible at all times, and accessible via the natural motion (Figures 4-7).

Ono fails to teach that the graphical user interface area is located in a lower left display corner for a right-handed user and in a lower right display corner for a left-handed user responsive to a natural motion by the user.

Fukuzaki discloses an interface, comprising a graphical user interface area located in a lower left display corner for a right-handed user and in a lower right display corner for a left-handed user responsive to a natural motion by the user (Figures 1 and 2, where Figure 2B shows that the GUI is located on the left side of the display for a right handed user and Figure 2B shows that the GUI is located on the right side of the display for a left handed user. See column 4, lines 49-58.).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the right and left handed teachings of Fukuzaki in the interface taught by Ono in order to prevent any operation-prohibited area to be formed, thus permitting efficient input operation (See Fukuzaki, column 2, lines 40-44).

Ono and Fukuzaki fail to teach that the persistent graphic is arc shaped.

Durrani et al. disclose an interface, comprising a graphical user interface area is located in a lower left display corner comprising an arc shaped persistent graphic (Figure 2, 210).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the teachings of Durrani et al. in the interface taught by the combination of Ono and Fukuzaki to create an arc shaped interface located in a lower display corner that does not take up a large portion of the screen (See Durani, column 3, lines 23-31.)

***Regarding claim 2***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 1, wherein the natural motion is a curve associated with movement of a hand of the user when an elbow of the user is pivoted (Since the interface is in the corner of the display, it is inherently “associated” with the movement of a hand of the user when an elbow of the user is pivoted.).

***Regarding claim 3***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 2, wherein a location responsive to the natural motion of the user hand

is defined by the natural motion passing through a *substantial* center area of a display area (Since the interface is in the corner of the display, it is inherently in a location responsive to the natural motion of the user hand is defined by the natural motion passing through a substantial center area of a display area.).

***Regarding claim 4***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 1, wherein the natural motion is a curve associated with movement of a hand of the user when an elbow of the user is pivoted and one of a wrist of the user is rotated and fingers of the user are moved (Please refer to the rejection of claim 2, where if the user's entire arm past the elbow is moving then the wrist and fingers are moved as well.).

***Regarding claim 5***, please refer to the rejection of claim 1.

***Regarding claim 6***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 1.

Durrani et al. also disclose wherein the graphic is a shape corresponding to an arc shaped curve and the controls are positioned in accordance with the curve (Figure 3).

***Regarding claim 7***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 6.

Durrani et al. also disclose wherein a radius of the arc shaped curve is at least a radius of a menu of one of the controls (Figure 3).

***Regarding claim 8***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 6.

Durrani et al. also disclose wherein a control closest to a display area is positioned along the curve at least a radius of a menu of the control from a display edge (Figure 3).

***Regarding claim 9***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 1.

Ono also discloses wherein a menu associated with one of the controls has a layout responsive to the curve (Figure 6).

***Regarding claim 11***, Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 1.

Durrani et al. also disclose wherein the interface is located in a lower left corner of a display area (Figure 3), and also disclose that the controls of the interface are arranged as one of a convex arc across the corner, a concave arc across the corner, a line across the corner, an array in the corner, a convex corner across the corner, a convex arc with a linear portion across the corner, a sectioned pie in the corner, a

sectioned pie in the corner and extending across the display area, and a rotatable circle intersecting both sides of the corner (Figure 3).

***Regarding claim 12***, please refer to the rejection of claim 1, where Ono also discloses wherein the controls are “associated” with an end of a range of a natural motion by the user where the approach arc is *substantially* perpendicular to a natural motion path of the natural motion and with the graphics of the controls being located responsive to one-shot function or menu pop-up function with a pop-up menu radius (Figures 4-7 show that the controls are located responsive to a “one-shot” function.).

***Regarding claim 13***, Ono, Fukuzaki and Durrani et al. disclose the interface as recited in claim 12.

Durrani et al. also disclose wherein the zone shape comprises one of a wedge, a curved sides triangle and a curved sided trapezoid (Figure 3).

***Regarding claim 14***, Ono, Fukuzaki and Durrani et al. disclose the interface as recited in claim 1.

Ono also discloses wherein the zones have non-coincident, dominant arc approach paths (Figures 4-7).

***Regarding claims 20 and 27***, please refer to the rejection of claims 1 and 12 and furthermore if the interface is located with controls as illustrated in the rejection of

claims 1 and 12, then the controls would have been mapped as such and there would be a computer readable storage for controlling the mapping.

***Regarding claim 21***, this claim is rejected under the same rationale as claim 5.

***Regarding claim 23***, Ono, Fukuzaki and Durrani et al. disclose a method as recited in claim 20.

Ono also discloses wherein the mapping maps controls on the arc responsive to a function of the controls (Figures 4-7).

***Regarding claim 28***, please refer to the rejection of claims 1, 5 and 12, where Durrani et al. shows a display in Figure 3, as also shown in Figure 11 of Ono, and where there is a processor in the computer which will operate the display and will position the interface of the display.

***Regarding claim 29***, please refer to the rejection of claim 23 where the positioning is performed by the processor (Figure 11 of Ono).

***Regarding claim 31***, please refer to the rejection of claim 1, and furthermore Figure 3 of Durrani et al. covers the limitation of “an arc shaped display edge intersecting menu bar interface graphic”.

***Regarding claim 33,*** this claim is rejected under the same rationale as claim 1.

10. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US 5,559,944) in view of Fukuzaki (US 5,731,801) and further in view of Durrani et al. (US 6,011,542) and Keely, Jr. et al. (US 6,337,698).

***Regarding claim 25,*** Ono, Fukuzaki and Durrani et al. disclose a method as recited in claim 20.

Ono, Fukuzaki and Durrani et al. fail to teach of displaying a menu upon a touch input and allowing a user to select an item of the menu, displaying a menu and performing an interaction upon a dwell input, and performing a function upon a stroke input

Keely, Jr. et al. also disclose:

displaying a menu upon a touch input (see col. 6, lines 54-55) and allowing a user to select an item of the menu (Fig. 10, shows the path a user takes to select an item);

displaying a menu and performing an interaction upon a dwell input (col. 7, lines 50-57, where the pen leaving the surface can minimize the menu therefore allowing the pen to dwell on the surface allows the user to interactively maintain the display of the menu); and

performing a function upon a stroke input (col. 7, lines 27-30, where the user makes a selection via a stroke input).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the inputting method taught by Keely, Jr. et al. with the interface method taught by the combination of Ono, Fukuzaki and Durrani et al. in order to allow for easy and intuitive user input into the computer system.

***Regarding claim 30,*** please refer to the rejection of claim 25, where Keely, Jr. et al. also disclose an apparatus further comprising a stylus-based input system coupled to the processor and the display (col. 3, lines 49-50), and activating the controls responsive to a tap of a stylus on one of the controls (see col. 6, lines 54-55).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US 5,559,944) in view of Fukuzaki (US 5,731,801) and further in view of Durrani et al. (US 6,011,542) and Kurtenbach (US 5,689,667).

***Regarding claim 10,*** Ono, Fukuzaki and Durrani et al. disclose an interface as recited in claim 1.

Ono, Fukuzaki and Durrani et al. fail to explicitly teach a marking menu associated with one of the controls having a layout where a downward stroke brings up additional tool palettes and/or dialogs.

Kurtenbach discloses a marking menu associated with one of the controls has a layout where a downward stroke brings up additional tool palettes and/or dialogs (see col. 3, lines 35-60, where a user can bring up a new sub-menu, which constitutes a dialog, by making a stroke towards a menu item but not lifting up the pen).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Kurtenbach in the device taught by the combination of Ono, Fukuzaki and Durrani et al. to have a commonly known method of bringing up an a pop-up menu with a single stroke for allowing additional controls of the menu to be utilized.

12. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US 5,559,944) in view of Fukuzaki (US 5,731,801) and further in view of Durrani et al. (US 6,011,542) and Anderson et al. (US 5,828,360).

***Regarding claim 15,*** please refer to the rejection of claim 1, and furthermore Ono also discloses a color control for providing a menu for selecting color (Figure 4), however, Ono, Fukuzaki and Durrani et al. fail to teach the controls comprising a tool control providing a menu for selecting a drawing tool of the application, and a color control providing a menu for selecting paint color applied by a drawing tool of the application.

Anderson et al. disclose different categories of menu items in an arc-shaped menu (Fig. 3) and a menu including a tool control providing a menu for selecting a drawing tool of the application and a color control providing a menu for selecting paint color applied by a drawing tool of the application (Fig. 3, item 31c, see col. 5 lines 13-28, where the menu item 31c provides the sub-menu shown in the figure with the different drawing tools and for selecting the color.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Anderson et al. in the menu of Ono, Fukuzaki and Durrani et al. in order to add extra functions provided by the menu items and so that these menu items would be easily accessible to hand movements that a user can make and remember easily (see Anderson col. 2, lines 1-3).

**Regarding claim 16**, Ono, Fukuzaki, Durrani et al. and Anderson et al. disclose an interface as recited in claim 15.

Anderson also discloses an interface with a minimize control, an edit control providing an undo function (Figure 3 shows an undo control included in the menu), and Iwema et al. also disclose a page control providing a page change function for drawing pages of the application (Figures 5 and 6) and a tool type control and providing a menu for selection a tool type of the application (Figure 6).

However, Ono, Fukuzaki, Durrani et al. and Anderson et al. fail to teach the relative locations of each control as discussed in the claim. However, at the time of the invention it would have been obvious to a person of ordinary skill in the art to relocate the menu items as described in the claim since such a modification would have only involved a mere change in the location of the menu items. Applicants have not disclosed that the particular positioning of the menu items solves any stated problem, provides any advantage, or used for any particular purpose. Further, a change in location is generally recognized as being within the level of ordinary skill in the art, see *In re Japiske*, 86 USPQ 70 (CCPA 1950). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to modify the invention of Ono, Fukuzaki, Durrani et al. and Anderson et al. to obtain the invention as specified in the above claim.

**Regarding claim 17**, Ono, Fukuzaki, Durrani et al. and Anderson et al. disclose an interface as recited in claim 16.

Durrani et al. also disclose wherein the graphic comprises an arc-shaped band (Figure 3).

**Regarding claim 18**, Ono, Fukuzaki, Durrani et al. and Anderson et al. disclose an interface as recited in claim 16.

Anderson et al. also disclose wherein pop-up menus pop-up in association with the selected control and at a distance from side and bottom edges of the graphic to allow all menu commands to be displayed (Figure 3 shows that the menu 32 pops up when 31c is selected which allows all controls to be seen.).

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (US 5,559,944) in view of Fukuzaki (US 5,731,801) and further in view of Durrani et al. (US 6,011,542), Anderson et al. (US 5,828,360) and Kurtenbach (US 5,689,667).

**Regarding claim 19**, please refer to the rejection of claims 15 and 16 and furthermore Anderson et al. also disclose different categories of menu items in an arc-

shaped menu (Fig. 3) and a menu including a tool control that provides a menu for selecting a drawing tool (Fig. 3, item 31c, see col. 5 lines 13-28, where the menu item 31c provides the sub-menu shown in the figure with the different drawing tools), a minimize control (Fig. 3, where the 'miniview' control is a type of minimize control), and an undo control (Fig. 3 shows an undo control included in the menu).

Ono, Fukuzaki, Durrani et al. and Anderson et al. fail to teach a marking menu associated with one of the controls has a layout where a downward stroke brings up additional tool palettes and/or dialogs.

Kurtenbach discloses a marking menu associated with one of the controls has a layout where a downward stroke brings up additional tool palettes and/or dialogs (see col. 3, lines 35-60, where a user can bring up a new sub-menu, which constitutes a dialog, by making a stroke towards a menu item but not lifting up the pen).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Anderson and Kurtenback in the menu of Ono, Fukuzaki, Durrani et al. and Anderson et al. in order to have different types of menu items in an arc-shaped menu so that these menu items would be easily accessible to hand movements that a user can make and remember easily (see Anderson col. 2, lines 1-3) and to have a commonly known method of bringing up a *pop-up menu with a single stroke*.

However, Ono, Fukuzaki, Durrani et al., Anderson nor Kurtenbach teach the location of the tools relative to each other. However, at the time of the invention it would have been obvious to a person of ordinary skill in the art to relocate the menu items as

described in the claim since such a modification would have only involved a mere change in the location of the menu items. Applicants have not disclosed that the particular positioning of the menu items solves any stated problem, provides any advantage, or used for any particular purpose. Further, a change in location is generally recognized as being within the level of ordinary skill in the art, see *In re Japiske*, 86 USPQ 70 (CCPA 1950). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Ono, Fukuzaki, Durrani et al., Anderson et al. and Kurtenbach to obtain the invention as specified in the above claim.

***Allowable Subject Matter***

14. Claims 26 and 32 are allowed.

15. The following is a statement of reasons for allowance:

Relative to independent claim 26, the major difference between the prior art of record (Selker, Pitroda, Keekly, Jr. et al., Ono, Anderson, Kurtenbach, Miyashita et al., Durrani et al., Iwema et al., Sowden et al. and Fukuzaki) and claim 26, is that said prior art does not teach, singularly or in combination: "A method, comprising: mapping controls of an graphical user interface in an arc shape at a location responsive to an approach arc and with a radius responsive to an underlying menu activatable via one of

the controls; and allowing a user to activate the controls, wherein the allowing comprises: displaying a menu upon a touch input and allowing a user to select an item of the menu; displaying a menu and performing an interaction upon a dwell input; and performing a function upon a stroke input, and wherein if a user is inking from a drawing canvas and the inking crosses into the menu, inking still occurs on the canvas.

Relative to independent claim 32, the major difference between the prior art of record (Selker, Pitroda, Keekly, Jr. et al., Ono, Anderson, Kurtenbach, Miyashita et al., Durrani et al., Iwema et al., Sowden et al. and Fukuzaki) and claim 32, is that said prior art does not teach, singularly or in combination: “a first graphical user interface located in a lower left display corner and responsive to a first natural motion by a user associated with a first end of a range of the first natural motion; and second graphical user interface located in a lower right display corner responsive to a second natural motion by the user associated with a second end of the range of the second natural motion; and said first and second graphical user interfaces each comprising: an arc shaped persistent graphic defining the interface area where the arc starts near a first display edge and ends near a second display edge and is substantially perpendicular to a natural motion path of the first and second natural motion; and controls arranged along the arc shaped persistent graphic initiating an action, located in the interface area and visible and accessible at all times and accessible via the first and second natural motion.”

Relative to dependent claim 34, the major difference between the prior art of record (Selker, Pitroda, Keekly, Jr. et al., Ono, Anderson, Kurtenbach, Miyashita et al., Durrani et al., Iwema et al., Sowden et al. and Fukuzaki) and claim 34, is that said prior art does not teach, singularly or in combination, "wherein the controls arranged along the arc shaped persistent graphic have an overlap interference angle of less than forty-five degrees" in combination with the other features of the claims.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN G. SHERMAN whose telephone number is (571)272-2941. The examiner can normally be reached on M-F, 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen G Sherman/  
Examiner, Art Unit 2629

9 June 2010